



House of Representatives

General Assembly

File No. 400

February Session, 2006

Substitute House Bill No. 5743

House of Representatives, April 5, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2007*) For the purposes of
2 sections 2 to 5, inclusive, of this act, "animal control officer" includes a
3 regional animal control officer, assistant regional animal control
4 officer, municipal animal control officer, as defined in section 22-327 of
5 the general statutes, and an assistant municipal animal control officer.

6 Sec. 2. (NEW) (*Effective January 1, 2007*) (a) The Commissioner of
7 Agriculture shall develop a training program, within available
8 appropriations, for certification of animal control officers. The program
9 shall consist of not less than eighty hours of training including, but not
10 limited to: (1) State and federal laws of arrest, search and seizure; (2)
11 state law relating to animals; (3) the basics of investigation; (4) report
12 writing and record keeping; (5) shelter or pound standards; (6) disease
13 recognition; (7) euthanasia policy; (8) ethics and professionalism in
14 dealing with the public; (9) cruelty and neglect investigations,
15 including, but not limited to, blood sports and cults; (10) animal bite

16 and vicious animal investigations; (11) officer safety and loss
17 prevention; (12) animal care, identification, behavior, handling and
18 capture and restraint techniques; (13) overview of the legal system,
19 court structure and terminology; (14) warrants; (15) civil liability
20 issues; and (16) for animal control officers employed by municipalities
21 that permit officers to carry firearms, weapons training.

22 (b) The commissioner shall approve or develop an examination,
23 within available appropriations, designed to test proficiency in the
24 subjects covered by the training program developed pursuant to
25 subsection (a) of this section. The examination may be written, oral,
26 practical or a combination thereof.

27 (c) The commissioner may approve, reject or revoke approval of any
28 animal control officer training courses including, but not limited to,
29 courses provided by the National Animal Control Association, the
30 American Humane Association, the Police Officer Standards and
31 Training Council or the Humane Society of the United States, for
32 inclusion in the training programs developed pursuant to this section.

33 (d) The commissioner may, from time to time, amend or alter the
34 training programs and the examination the commissioner develops
35 pursuant to this section.

36 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) Each person appointed as
37 an animal control officer after October 1, 2006, shall be certified
38 pursuant to training and examination standards approved by the
39 Commissioner of Agriculture not later than four years after such
40 appointment. Unless exempted pursuant to subsection (b) of this
41 section, such animal control officers shall satisfactorily complete
42 training requirements and examinations pursuant to section 2 of this
43 act. One-half of the certification shall be completed not later than two
44 years after such appointment. The provisions of section 7-294d of the
45 general statutes shall not apply to animal control officers appointed
46 pursuant to section 22-328, 22-331 or 22-331a of the general statutes.

47 (b) The commissioner shall waive the requirement of satisfactory

48 completion of the training requirements for candidates who have
49 served as animal control officers in the state for a period of five years
50 since July 1, 1996.

51 (c) Notwithstanding any other provision of sections 1 to 4, inclusive,
52 of this act, the commissioner may decline to issue a certificate if (1) the
53 applicant falsified any document in order to obtain or renew the
54 certificate, (2) the applicant has been convicted of a felony, (3) the
55 applicant has been found not guilty of a felony by reason of mental
56 disease or defect pursuant to section 53a-13 of the general statutes, (4)
57 the applicant has been convicted of a violation of subsection (c) of
58 section 21a-279 of the general statutes or section 29-9 of the 2006
59 supplement to the general statutes, or (5) the applicant has been
60 refused issuance of a certificate or similar authorization or has had a
61 certificate or other similar authorization canceled or revoked by
62 another jurisdiction on grounds that would authorize cancellation or
63 revocation under the provisions of this subsection.

64 (d) The commissioner may revoke any certificate if (1) the certificate
65 was issued by administrative error, (2) the certificate was obtained
66 through misrepresentation or fraud, (3) the holder falsified any
67 document in order to obtain or renew any certificate, (4) the holder has
68 been convicted of a felony, (5) the holder has been found not guilty of a
69 felony by reason of mental disease or defect pursuant to section 53a-13
70 of the general statutes, (6) the holder has been convicted of a violation
71 of subsection (c) of section 21a-279 of the general statutes or section
72 29-9 of the 2006 supplement to the general statutes, or (7) the holder
73 has been refused issuance of a certificate or similar authorization or
74 has had the certificate or other authorization canceled or revoked by
75 another jurisdiction on grounds that would authorize cancellation or
76 revocation under the provisions of this subsection.

77 (e) Whenever the commissioner believes there is a reasonable basis
78 for cancellation or revocation of the certificate of an animal control
79 officer, the commissioner shall give the holder of the certificate notice
80 and an opportunity for a hearing, in accordance with the provisions of

81 section 4-182 of the general statutes. Any officer whose certification is
 82 revoked pursuant to this section may reapply for certification no
 83 sooner than two years after the date on which the revocation order
 84 becomes final.

85 Sec. 4. (NEW) (*Effective January 1, 2007*) (a) Certification of a person
 86 as an animal control officer shall expire after two years if the person
 87 has not been employed as a municipal animal control officer during
 88 that period, unless the person is an officer who has been on leave of
 89 absence. Upon reemployment of a person as an animal control officer,
 90 such officer shall apply for certification and become certified in a
 91 manner provided by section 2 of this act.

92 (b) A municipality may appoint a temporary animal control officer
 93 who does not hold a certificate pursuant to this act for a period not
 94 greater than thirty days per calendar year. The Commissioner of
 95 Agriculture may grant a one time thirty-day extension for such
 96 temporary animal control officer. The commissioner may encourage
 97 municipalities to share the services of animal control officers in the
 98 event a temporary animal control officer is needed by a municipality.

99 Sec. 5. (NEW) (*Effective January 1, 2007*) The Commissioner of
 100 Agriculture may adopt regulations, in accordance with the provisions
 101 of chapter 54 of the general statutes, to implement the provisions of
 102 sections 1 to 4, inclusive, of this act, including, but not limited to,
 103 establishing procedures for applying for certification as an animal
 104 control officer.

105 Sec. 6. (NEW) (*Effective January 1, 2007*) No municipality shall be
 106 liable for compensation to any municipal animal control officer whose
 107 certification under section 3 or 4 of this act has been revoked or
 108 expired during the period of such revocation or expiration.

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|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | January 1, 2007 | New section |

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|-----------|-----------------|-------------|
| Section 1 | January 1, 2007 | New section |
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|--------|------------------------|-------------|
| Sec. 2 | <i>January 1, 2007</i> | New section |
| Sec. 3 | <i>October 1, 2006</i> | New section |
| Sec. 4 | <i>January 1, 2007</i> | New section |
| Sec. 5 | <i>January 1, 2007</i> | New section |
| Sec. 6 | <i>January 1, 2007</i> | New section |

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 07 \$ | FY 08 \$ |
|---------------------------|-------------|-----------|-----------|
| Department of Agriculture | GF - Cost | See Below | See Below |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 07 \$ | FY 08 \$ |
|--------------------|----------------------------|-----------|-----------|
| All Municipalities | STATE MANDATE - Cost | See Below | See Below |

Explanation

It is anticipated that the Department of Agriculture (DOA) will require a part-time clerical at a cost of approximately \$7,500 and associated expenses in FY 07 and \$15,000 in FY 08 to administer and keep track of the Animal Control Officer (ACO) certification process. The bill requires that the program be developed and administered within available appropriations. No additional funds are provided for the program therefore DOA will have to divert resources from other department requirements impacting existing programs or services, not develop the program or require a deficiency appropriation.

Assuming that the currently designed courses provided by the National Animal Control Association, the American Humane Association, the Police Officers Standards and Training Council or the Humane Society of the United States would be utilized for the training required, costs for the initial first week of training which would need to take place for persons appointed as ACOs after July 1, 2006 and not more than 4 years after appointment as an ACO, would be approximately \$475. Additional training required two years later would currently cost \$475. These figures do not include costs for

travel or replacement of an ACO during training. The bill also waives the training requirements for persons who served as ACOs in the state for 5 years. There are approximately 300 local ACOs at the current time and 75%-85% of these ACOs have served five years. The exact cost per town is not known at this time.

The bill also eliminates the liability of a municipality for the compensation of a municipal ACO whose certification is revoked or expires. A cost savings to municipalities could result to the extent that a municipality would have been liable for the compensation.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5743*****AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.*****SUMMARY:**

This bill requires the agriculture commissioner to certify regional, municipal, assistant regional, and assistant municipal animal control officers (local ACOs). The bill requires the commissioner to develop a training program and exam for certification. It requires ACOs appointed after October 1, 2006, to satisfactorily complete the training and an exam and to be certified no later than four years after their appointment. It requires the commissioner to waive the training requirements for ACOs who have served for five years since July 1, 1996.

The bill allows the commissioner to adopt implementing regulations regarding ACO training and certification, including application procedures.

EFFECTIVE DATE: January 1, 2007, except for the provision requiring ACO certification, which is effective October 1, 2006.

CERTIFICATION PROGRAM***Training program***

The bill requires the agriculture commissioner to develop a training program, within available appropriations, to certify ACOs. It must consist of at least 80 hours of training, including:

1. state and federal arrest, search, and seizure laws;
2. state laws relating to animals;

3. investigation basics;
4. report writing and record keeping;
5. shelter or pound standards;
6. disease recognition and euthanasia policy;
7. ethics and professionalism;
8. cruelty and neglect investigations, including blood sports and cults;
9. animal bite and vicious animal investigations;
10. officer safety and loss prevention;
11. animal care, identification, behavior, handling, and capture and restraint techniques;
12. overview of the legal system, court structure and terminology, warrants, and civil liability issues; and
13. weapons training for local ACOs employed by municipalities that permit them to carry firearms.

Exam and Certification

The commissioner must approve or develop an examination, within available appropriations, designed to test ACOs' proficiency. It may be written, oral, practical, or a combination. ACOs must satisfactorily complete the training and the exam to be certified.

The commissioner may adopt regulations on training and certification. ACOs must be certified under the standards the commissioner develops for training and certification. Under the bill, ACOs who served for five years since July 1, 2006 are exempt from the bill's training requirements but must take the exam and be certified.

Inclusion in the Training Program

The commissioner may consider existing courses to be included in the program. Specifically, he may approve, reject, or revoke approval of any ACO training courses, including courses provided by the National Animal Control Association, the American Humane Association, the Police Officer Standards and Training Council, or the Humane Society of the United States.

The commissioner may occasionally amend or alter the training programs and the examination.

ACOs Required to Satisfactorily Complete Training and Exam

The bill requires ACOs appointed after October 1, 2006, to satisfactorily complete training and the exam. They must complete half of the certification within two years after being appointed and all of it after four years.

Jurisdiction

The bill specifies that the Police Officer Standards and Training Council has no jurisdiction over state or local ACOs.

DENIAL OR REVOCATION

The commissioner may decline to issue a certificate if the applicant:

1. falsified any document in order to obtain or renew it,
2. has been convicted of a felony,
3. was found not guilty of a felony by reason of mental disease or defect,
4. has been convicted of a violation of any drug possession law or law concerning influencing a police officer, or
5. has been denied or has had a certificate or other similar authorization canceled or revoked by another jurisdiction on the above grounds.

The commissioner may revoke a certificate on the same five

grounds and because it was:

1. issued by administrative error or
2. obtained through misrepresentation or fraud,

When the commissioner believes there is a reasonable basis to cancel or revoke a local ACO certificate, he must notify the certificate holder and provide an opportunity for a hearing. Any officer whose certificate is revoked may not reapply for certification for at least two years after the date on which the revocation order becomes final.

A municipality is not liable for compensating an ACO whose certification expires or the commissioner revokes, or whose certification expires while it is revoked.

EXPIRATION

The certificate expires after two years if its holder has not been employed as a municipal ACO, unless he has been on leave of absence. A person must reapply for certification upon reemployment as an ACO.

A municipality may appoint an uncertified temporary ACO for up to 30 days per calendar year. The commissioner may grant a one-time, 30-day extension for a temporary ACO. The commissioner may encourage municipalities to share the services of ACOs if a municipality needs a temporary ACO.

BACKGROUND

ACOs

By law, each municipality of more than 25,000 people must have a full-time, local animal control officer. Towns with fewer than 25,000 people must have local animal control officers, but they need not be full-time. Any two or more contiguous towns each with a population of less than 25,000 that have or will have a dog pound facility within their region, by action of their legislative bodies, may agree to be served by a regional ACO.

By law, animal control officers may act to prevent acts of cruelty upon any animal, take into custody any neglected or cruelly treated animal, and arrest people for violating any law relating to dogs or domestic animals.

Related Bill

HB 5751 expands the powers of municipal ACOs by allowing them to issue citations for violations of municipal ordinances concerning dogs and other animals, kennels, and pet shops. It allows municipalities' legislative bodies to give ACOs this power. The Environment Committee reported the bill favorably on March 20, 2006.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 18 Nay 9 (03/20/2006)